

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STEVE BERKSON,	:	No: 18-Civ.-2109 (RA)
	:	
Plaintiff,	:	
	:	
-against-	:	<u>CASE MANAGEMENT PLAN</u>
	:	<u>AND SCHEDULING ORDER</u>
FELIPE GRIMBERG, individually, FELIPE	:	
GRIMBERG FINE ART, and FINE ARTS SERVICES,	:	
INC.,	:	
	:	
Defendants.	:	
-----X	:	

RONNIE ABRAMS, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order:

1. All parties [consent \_\_\_\_\_ / do not consent ✓] to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. The parties have engaged in settlement discussions.
3. This case [is \_\_\_\_\_ / is not \_\_\_\_\_] to be tried to a jury. (Defendants have moved to strike Plaintiff's jury trial demand on his first cause of action and to dismiss his second cause of action for disparagement as to which there is a right to a jury trial. Plaintiff will respond to Defendants' motion to strike in their opposition papers, which are currently due on or before April 17, 2018.)
4. No additional parties may be joined after April 18, 2018 without leave of the Court.
5. No Amendments to the pleadings may be made after April 18, 2018 without leave of the Court.
6. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than May 2, 2018. [*Absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f).*]
7. All fact discovery is to be completed no later than Plaintiff proposes June 29, 2018; Defendants propose July 15, 2018. [*A period not to exceed 120 days unless the case presents unique complexities or other exceptional circumstances.*]

8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 7 above.
  - a. Initial requests for production of documents shall be served by April 25, 2018.
  - b. Interrogatories shall be served by May 15, 2018.
  - c. Depositions shall be completed by Plaintiff proposes June 29, 2018; Defendants propose July 15, 2018.
  - d. Requests to Admit shall be served no later than Plaintiff proposes June 29, 2018; Defendants propose July 15, 2018.
9. All expert discovery, including disclosures, reports, production of underlying documents, and depositions shall be completed by July 25, 2018. [*The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.*]
10. All discovery shall be completed no later than July 25, 2018.
11. The Court will conduct a post-discovery conference on \_\_\_\_\_ at \_\_\_\_\_. [*To be completed by the Court.*] No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action.
12. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due thirty (30) days from the close of discovery, or if any dispositive motion is filed, thirty (30) days from the Court's decision on such motion. This case shall be trial ready sixty (60) days from the close of discovery or the Court's decision on any dispositive motion.
13. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:
  - a. \_\_\_\_\_ Referral to a Magistrate Judge for settlement discussions. (The parties are currently considering the use of this alternative dispute resolution mechanism.)
  - b. \_\_\_\_\_ Referral to the Southern District's Mediation Program. [*Note that all employment discrimination cases, except cases brought under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., are designated for automatic referral to the Court's Alternative Dispute Resolution program of mediation. Accordingly, counsel in such cases should select 11(b).*]

c. \_\_\_\_\_ Retention of a private mediator.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

14. The parties have conferred and their present best estimate of the length of trial is 5 days.

SO ORDERED.

Dated:

\_\_\_\_\_  
New York, New York

\_\_\_\_\_  
Ronnie Abrams  
United States District Judge